

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE ANDROGEL ANTITRUST  
LITIGATION (NO. II)**

**MASTER DKT. NO. 1:09-  
MD-2084-TWT**

**ALL CASES**

**DEFENDANTS' MOTION IN LIMINE NO. 2 TO PRECLUDE  
REFERENCE TO ABSENCE OF DEFENSE WITNESSES AT TRIAL**

Pursuant to Rules 402 and 403 of the Federal Rules of Evidence, and the authorities cited in the accompanying memorandum of law, Defendants AbbVie Products, LLC, f/k/a Solvay Pharmaceuticals, Inc. (“Solvay”), Actavis, Inc. (n/k/a Allergan Finance, LLC), Par Pharmaceutical Companies, Inc. (“Par”), and Paddock Holdings, LLC (“Paddock”) (collectively “Defendants”) respectfully move for an order precluding Plaintiffs from commenting at trial on the absence of defense witnesses. Comments concerning the absence of witnesses would be highly inflammatory and unfairly prejudicial.

Respectfully submitted this 15th day of November 2019.

Teresa T. Bonder  
Georgia Bar No. 703969  
Matthew D. Kent  
Georgia Bar No. 526272  
ALSTON & BIRD LLP  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
(404) 881-7000 (telephone)  
(404) 881-7777 (facsimile)  
teresa.bonder@alston.com  
matthew.kent@alston.com

*Counsel for AbbVie Products LLC f/k/a  
Solvay Pharmaceuticals, Inc. and Unimed  
Pharmaceuticals LLC*

/s/ Rohit K. Singla  
Rohit K. Singla\*  
Kyle W. Mach\*  
Adam R. Lawton\*  
Justin P. Raphael\*  
Joshua S. Meltzer\*  
Emily C. Curran-Huberty\*  
Ashley D. Kaplan\*  
MUNGER, TOLLES & OLSON LLP  
350 South Grand Avenue, 50th Floor  
Los Angeles, CA 90071  
(213) 683-9100 (telephone)  
(213) 687-3702 (facsimile)  
rohit.singla@mto.com  
kyle.mach@mto.com  
adam.lawton@mto.com  
justin.raphael@mto.com  
joshua.meltzer@mto.com  
emily.curran-huberty@mto.com  
ashley.kaplan@mto.com

\* Practicing pursuant to this Court's  
Initial Case Management Order

*Counsel for AbbVie Products LLC f/k/a  
Solvay Pharmaceuticals, Inc. and Unimed  
Pharmaceuticals LLC*

Seslee S. Smith  
Georgia Bar No. 663377  
MORRIS, MANNING & MARTIN LLP  
3343 Peachtree Road, N.E.  
Suite 1600 Atlanta Financial Center  
Atlanta, GA 30326  
(404) 233-7000 (telephone)  
(404) 365-9532 (facsimile)  
sss@mmlaw.com

*/s/ Paul M. Eckles*  
Steven C. Sunshine\*  
Paul M. Eckles\*  
Julia K. York\*  
Ryan J. Travers\*  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM  
LLP  
1440 New York Ave., N.W.  
Washington, D.C. 20005  
(202) 371-7000 (telephone)  
(202) 393-5760 (facsimile)  
steven.sunshine@skadden.com  
paul.eckles@skadden.com  
julia.york@skadden.com  
ryan.travers@skadden.com

\* Practicing pursuant to this Court's  
Initial Case Management Order

*Counsel for Actavis, Inc. (n/k/a Allergan  
Finance, LLC)*

*/s/ Heidi K. Hubbard*

Heidi K. Hubbard\*

Benjamin M. Greenblum\*

Samuel Bryant Davidoff\*

WILLIAMS & CONNOLLY LLP

725 Twelfth Street, N.W.

Washington, D.C. 20005

(202) 434-5000 (telephone)

(202) 434-5029 (facsimile)

[hhubbard@wc.com](mailto:hhubbard@wc.com)

[bgreenblum@wc.com](mailto:bgreenblum@wc.com)

[sdavidoff@wc.com](mailto:sdavidoff@wc.com)

\* Practicing pursuant to this Court's Initial Case Management Order

*Counsel for Defendants Par  
Pharmaceutical Inc./Par  
Pharmaceutical Companies, Inc. and  
Paddock Holdings LLC*

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1D, counsel hereby certifies that the foregoing  
**DEFENDANTS' MOTION IN LIMINE NO. 2 TO PRECLUDE REFERENCE  
TO ABSENCE OF DEFENSE WITNESSES AT TRIAL** has been prepared in  
accordance with Local Rule 5.1 using Times New Roman 14 point font.

Respectfully submitted this 15th day of November 2019.

*/s/ Rohit K. Singla*

Munger, Tolles & Olson LLP  
560 Mission Street, 27th Floor  
San Francisco, CA 94105  
(415) 512-4000 (telephone)  
(415) 512-4077 (facsimile)  
rohit.singla@mto.com

\* Practicing pursuant to this Court's Initial  
Case Management Order

*Counsel for AbbVie Products LLC f/k/a  
Solvay Pharmaceuticals, Inc. and Unimed  
Pharmaceuticals LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **DEFENDANTS' MOTION IN LIMINE NO. 2 TO PRECLUDE REFERENCE TO ABSENCE OF DEFENSE WITNESSES AT TRIAL** and the accompanying memorandum of law were filed with the Court's CM/ECF system on November 15, 2019, and thereby distributed to counsel of record.

Respectfully submitted this 15th day of November 2019.

/s/ Rohit K. Singla  
Munger, Tolles & Olson LLP  
560 Mission Street, 27th Floor  
San Francisco, CA 94105  
(415) 512-4000 (telephone)  
(415) 512-4077 (facsimile)  
rohit.singla@mto.com

\* Practicing pursuant to this Court's Initial Case Management Order

*Counsel for AbbVie Products LLC f/k/a  
Solvay Pharmaceuticals, Inc. and Unimed  
Pharmaceuticals LLC*